

Section 3

Illegal Discharges

3.1 Purpose

Two important sources of stormwater pollution are illegal discharges and illicit connections. Illegal discharge refers to the disposal of non-stormwater materials, such as paint or waste oil, into the storm drain or the discharge of polluted waste streams to the storm drain. Illicit connections refer to unauthorized physical connections from a facility to a municipal storm drain system. The purpose of the this program element is to reduce or eliminate this source of stormwater pollution through informing the public of the detrimental effects of illegal discharges on stormwater quality, finding and correcting illicit connections, and responding, investigating, and cleaning up illegal discharges.

3.2 Illicit Discharge Program

The illegal discharge program element is organized into five program areas. Each of these elements is discussed in the following sections.

3.2.1 Outreach

The goal of this program element is to reduce the number of illegal discharges by informing the public of the detrimental effects of illegal discharges on stormwater quality and providing practical methods to reduce or eliminate discharges from common public activities. In addition to promoting stormwater pollution prevention, this program element provides information to the public on how and where to report spills and other illegal discharges. Outreach materials encourage the public to report illegal discharges to a 24-hour hotline number. When called, the hotline either dispatches the appropriate responders directly or refers the caller to the appropriate contact person. Additional outreach materials and contact information are available on the program website (www.co.san-bernardino.ca.us/flood/npdes/). The permittees will continue to distribute outreach materials that publicize the hotline at appropriate outreach events.

The permittees will continue to promote public participation in the County's successful and well-established household hazardous waste program. Under this program, residents can dispose of used oil and other types of waste free of charge at permanent collection facilities throughout the permit area. In addition, the County of San Bernardino Fire Department HMD conducts one-day collection events called "round-ups". The permittees will continue to confirm, update, and disseminate household waste collection information to the public.

The permittees will also maintain storm drain stenciling to increase public awareness and discourage individuals from illegal discharges into a storm drain.

3.2.2 Field Screening/System Surveillance

The goal of this program element is to perform field screening to locate signs of previous, current, and potential illegal discharges and illicit connections to the storm drain system. Activities will focus on preventing new illicit connections and addressing illegal discharges. During the course of regular maintenance activities, the permittees conduct visual inspections of existing storm drain inlets, open channels, and basins to look for illegal discharges. Staff from a variety of city and county departments, including storm drain maintenance crews, street sweeping personnel and others who regularly observe the storm drain system during scheduled maintenance activities (such as roadway, landscape and facilities staff) or through on-going facility inspections (such as county and city fire and hazardous materials units, building department staff, code enforcement officers, and wastewater pretreatment program personnel), provide the necessary resources for identifying illegal discharges.

Possible signs of illegal discharges include non-stormwater flows, stains, deposited materials, and pipes or hoses. Staff members will be instructed and trained to look for signs of illegal discharges as they conduct their regular activities and immediately report or respond to any observed incidents. By increasing the stormwater pollution prevention awareness of city and county staff, the stormwater facilities receive a higher frequency of surveillance, and the stormwater coordinator can concentrate on follow-up, resolution, and enforcement. Illegal discharge reports that cannot be resolved by local actions are forwarded to the RWQCB.

3.2.3 Incident Reporting, Response, and Tracking

The goal of this program element is to report, respond to, and monitor all identified illegal discharges. As discussed above, the area-wide stormwater program promotes a 24-hour hotline for reporting illegal discharges. However, reports of illegal discharges may originate from a number of different sources and may be reported to a number of different agencies. Potential sources and agencies include private citizens, maintenance and inspection staff, police and fire department, local and national hotlines, and emergency services (911). In the case of fire departments, the reporting and response agency may be the same. In general, incoming calls for hazardous or unknown discharges are routed to a county or local hazardous waste response unit. Calls for sewage spill and known non-hazardous discharges are referred to the appropriate city or county staff. Reported spills and discharges are tracked in the MS4 Solution database. This information is then available on an area-wide basis for inclusion in the annual report submitted to the RWQCB.

3.2.4 Enforcement

All permittees have adopted ordinances establishing legal authority to enforce against illegal discharges. In general, the stormwater codes and ordinances are enforced by permittee staff responsible for NPDES compliance. For many permittees, this may include staff from several different departments. To support implementation of

enforcement procedures throughout the area, the Management Committee established the *Area-Wide Enforcement Response Guidance* ("Enforcement Guidance") (August 2003).

Staff usually enforces violations by first inspecting the illegal discharge and then verbally informing the discharger of the violation. In most cases, the violation is corrected and no further enforcement action is necessary. This approach focuses on eliminating illegal discharges by educating violators and encouraging their cooperation rather than using more formal enforcement actions.

If the initial effort to obtain compliance fails, enforcement actions may escalate to notices of correction, notices of violation, compliance time schedules, cease and desist orders, and fines. Referral to the district attorney's office follows in extreme cases. The enforcement procedures include flexibility to impose an increased level of response at the outset, or out of the typical sequence depending on the severity and nature of the violation. In addition, enforcement may be accelerated if there is evidence of a clear failure to act or an increasing severity of the illicit discharge.

The *Enforcement Guidance* is applicable to all areas of Stormwater Management Program, not just the illicit discharge program element. During the next permit term, the Management Committee will review and, where appropriate, revise the *Enforcement Guidance*. However, regardless of the guidance's content, each individual permittee has the responsibility for determining how to implement the guidance within its jurisdiction.

3.2.5 Training

The goal of this program element is for all staff enlisted to conduct stormwater inspections as part of their duties to understand and follow procedures for illegal discharge identification, reporting, response, cleanup, and tracking. Permittee staff implementing these activities needs training to perform these tasks effectively. For example, maintenance staff may come across evidence of potential stormwater pollution, illegal discharges, or illicit connections during routine storm drain facility inspections, and need to be trained to recognize, report, and respond to such findings.

Staff involved in storm drain maintenance, response, and enforcement, and staff enlisted to participate in the field screening/system surveillance program are targeted for stormwater-specific training and education. This may include staff from several departments and programs, including the fire department, code enforcement, wastewater pretreatment, road maintenance, landscape maintenance, and facilities management.

The targeted staff receives general stormwater training and task-specific education and coordination that introduce staff to basic stormwater concepts including regulations, pollutants of concern, potential sources, BMPs, and general program activities. The Municipal Activities Pollution Prevention Strategy (MAPPS) online training program, which is discussed further in Section 6, is the key method used to

provide general stormwater training. The MAPPS online training program comprises separate modules for: general stormwater; commercial/industrial inspections; construction inspections; field maintenance activities; and WQMP review processes. The online training is supplemented by various other training efforts, including live presentations, on the job site visits and tailgate meetings by the permittees. For those already trained, refresher training is provided at least once during the permit term to keep staff up-to-date. Training and education activities are documented and reported annually to the Principal Permittee.

Since new business practice methods and pollution prevention methods are being developed continually, the Training Subcommittee will continue to periodically assess and, if necessary, update educational materials previously developed for staff training.

3.3 Performance Commitments

The permittees propose to implement the following performance commitments to implement the program elements established to address illegal discharges:

- 3-1. Update as needed the information provided to residents on the county's Household Hazardous Waste and Oil Recycling website (http://www.co.san-bernardino.ca.us/flood/npdes/hhw_used_oil.htm).
- 3-2. Each permittee will visually inspect all publicly maintained inlets, open channels, and basins once each permit year. Visual inspections conducted and documented under the Public Agency Activities program element (Section 6) may be applied to meet this performance commitment.
- 3-3. Each permittee will refer all documented illegal discharges to the appropriate agency for investigation, containment, cleanup, and tracking.
- 3-4. Each permittee will provide a description of the following for inclusion in the annual report:
 - a. Current list of contacts and phone numbers for reporting illegal dischargers;
 - b. Reporting, response, and incident tracking procedures ("incident procedures") established by the city or county, that includes a procedure for conveying incident report to the stormwater coordinator;
 - c. Coordination and training activities that are conducted to help ensure that incident procedures are properly implemented; and
 - d. Any additional procedures or activities that were implemented to increase program effectiveness.
- 3-5. Each permittee will continue to coordinate with County or local HazMat teams for incident response.

- 3-6. Each permittee will continue to rely on the *Area-Wide Enforcement Response Guidance* (August 2003, or as amended) to guide enforcement actions. The Management Committee shall review and, where appropriate, revise this guidance during the next permit term.
- 3-7. Each permittee will provide general stormwater training for all targeted employees using online training modules (MAPPS training). Training materials will be updated or supplemented as needed to facilitate information sharing. New employees will be trained at the next scheduled course offering or within six months of starting, whichever occurs first. Refresher training will be provided at least once during the permit term for staff that has already received the basic training course materials.
- 3-8. Staff will be provided sufficient training to facilitate implementation of the incident procedures established by each permittee.
- 3-9. Each permittee will document and report training, education, and coordination activities to the Principal Permittee using the MS4 Solution database.